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The New Rules for Law Schools

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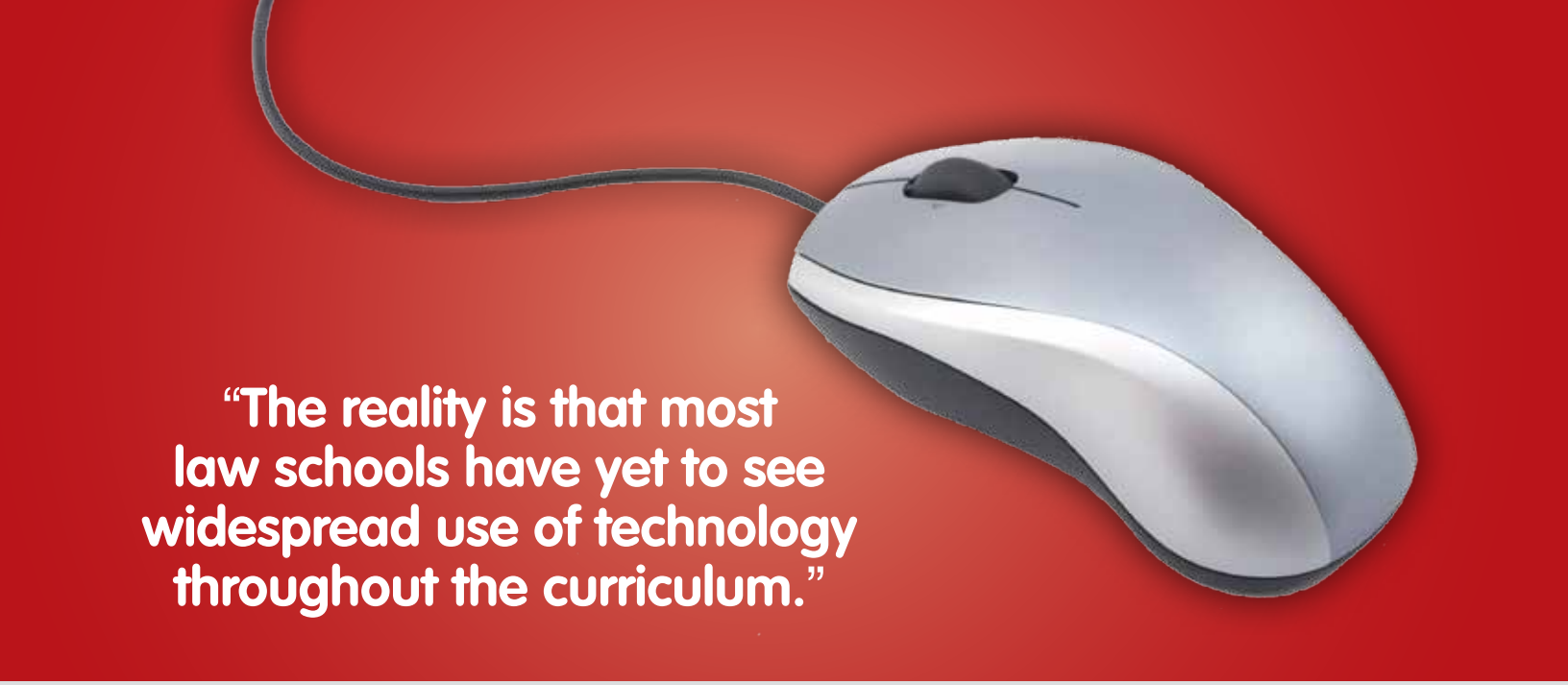
The New Rules for Law Schools

Barbara Gontrum of the University of Maryland School of Law describes the changes in legal education.

The structure of legal education has remained much the same since the late 1800s. In many classes, law students still respond to Socratic questioning by faculty, and most first-year students take the same lineup of courses — torts, criminal law, contracts, property, constitutional law and civil procedure. Learning to "think like a lawyer" is still an articulated goal. However, law schools recognize that successful lawyers must also be able to collaborate, negotiate, resolve legal issues in an ethical fashion and exhibit leadership skills in many different settings.

As the year 2020 is nipping at our heels, curricular changes are taking place and, perhaps most important, extensive conversations about the need for change are occurring within the various professional organizations associated with legal education. While law school clinics have been in existence since the 1970s, schools are making efforts to increase the number of opportunities for students to work with clients, in either internships or faculty-supervised clinics. Additionally, law schools with business-law tracks are developing new transactional clinics.



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More Practical Courses for Lawyers Who Practice

The section of the American Bar Association that covers legal education has embarked on a multi-year project to review comprehensively the standards by which law schools are accredited. Proposed revisions would give schools greater flexibility in certain areas; for example, allowing more credit hours to be taken in distance education courses, while at the same time placing greater emphasis on the assessment of student outcomes.

Drafts of standards relating to law school curricula focus more on professional skills than the current versions. For example, a proposed standard would require every student to complete at least one faculty-supervised course after the first year that integrates doctrine, theory skill and ethics. Competency as an entry-level practitioner in professional skills is included in the proposed standards as a learning outcome. Recent blog posts and news articles have urged law schools to make job placement information about their graduates more transparent to assist both law students choosing a legal career and prospective students choosing a law school.

In 2007, the Carnegie Foundation for the Advancement of Teaching issued the report "Educating Lawyers: Preparation for the Profession of Law." Among other recommendations, the authors of this oft-cited report identified a need for law students to have "substantial experience with practice as well as opportunities to wrestle with the issues of professionalism." While law schools such as New York University and the City University of New York are well-known for their ongoing efforts to link doctrinal courses with lawyering and clinical courses, several other law schools have recently announced innovations designed to address issues identified in the Carnegie report. Washington and Lee University School of Law has revamped its third-year curriculum to offer a two-week skills immersion at the beginning of the semester; a clinic experience; additional electives taught in a problems-based, practicum style; and participation in a semester-long professionalism program. The curriculum emphasizes strategic thinking, project management skills, teamwork and professional values. The Maurer School of Law at Indiana University has focused instead on the first year, requiring a legal profession course for first-year students. This course immerses students in a variety of practice settings and educates them on how economics, workplace pressures and organizational incentives affect lawyers.

A growing number of law schools offer law practice management courses, emphasizing the economics of practice and the development of management skills. Other law schools, such as Harvard and Vanderbilt, have substituted courses on legislation, the regulatory process and international and comparative law for some of the traditional case-based courses taught in the first year of law school. While these are all positive developments, the ideal should be to integrate skills such as problem solving, negotiation, teamwork and oral and written competencies throughout the curriculum, not just in selected courses. In addition, while live-client clinics are expensive and labor-intensive for faculty, they offer some of the best opportunities for integrating theory and practice.

Technology (Finally) Enters Law Schools

Although law faculty have generally been slow to incorporate technology in the classroom, the use of course management systems such as TWEN or Blackboard to distribute course materials and communicate with students is now relatively common. Faculty members are gradually increasing their use of PowerPoint and other presentation software, and they routinely use email to communicate with students.

As for students, many now use computers for exams and some state bars are allowing laptop use during the bar examination. Some law schools are experimenting with

recording classes, a practice that allows students to focus more on classroom discussion than on taking notes. Schools with large clinical programs use Time Matters, CaseMap or other legal management software. The Center for Computer-Assisted Legal Instruction (CALI) has over 800 heavily used interactive online tutorials written by law professors on a wide variety of legal topics. All of these are positive developments, but the reality is that most law schools have yet to see widespread use of technology throughout the curriculum.

A game changer for the use of technology in legal education, however, is the increased availability of Skype, WebEx, and other videoconferencing technologies. Converting from the traditional casebook method to a teaching method that more closely integrates technology is a significant time investment for faculty who might already be considered outstanding teachers and have no real incentive to change. Bringing practitioners and other experts into the classroom through the use of technology, however, does not require a great deal of effort by faculty, but could potentially make the substantive law come to life for students as they interact with attorneys who work in the area of practice the course covers. This is a win-win situation, because it gives alumni and other friends of the law school the opportunity to support the school without a significant time investment.

Integrating legal theory with practice can be accomplished relatively easily in substantive courses. For example, attorneys could participate in a virtual class discussion about a case they worked on. In the middle of a corporate law course, students could draft a business agreement with the assistance of a corporate attorney who joins the discussion from her office. International law and law reform courses would benefit from bringing experts from around the globe into the classroom. This type of effort could be used to enhance almost any law school course. The technology is available to do this, but law schools must expand from having only a single room dedicated to videoconferencing to providing standard videoconferencing equipment in each classroom.

Responding to the Demand for Change

Today's legal educators face a perfect storm of pressures from many different directions. The high cost of legal education and high student debt levels are causing some to question the value of law school. Law firms operating under new market conditions are calling on law schools to do a better job of preparing students for practice. Students who have grown up with computers arrive at law school expecting faculty to make extensive use of technology.

While law schools have historically been slow to change, momentum is growing for a reconceptualization of the structure of legal education. There is no shortage of ideas for how theory and practice can be integrated and more lawyering skills added to law school curriculums. By 2020, it seems likely that the types of innovative programs described here will have been implemented in many law schools, and a new race to the top for law schools will include a focus on bringing the goals of the Carnegie report to fruition. **ILTA**

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Skills for Successful Lawyers

Law schools recognize that effective lawyers have many skills beyond legal analysis and advocacy in litigation settings. Leadership, collaboration, and negotiation skills are three examples of characteristics exhibited by successful lawyers. At the University of Maryland School of Law, a three-year grant project sponsored by the Fetzer Institute aims to help students develop their leadership potential, develop good ethical and moral judgment and gain the cross-cultural competence essential for practice in a global environment. The initiative has expanded the school's already extensive live-client clinical law program by sending students to Mexico, China and Namibia under faculty supervision to work on projects that offer valuable multicultural experience.

Legal profession courses are moving away from focusing exclusively on the rules of professional responsibility and are incorporating a broader look at ethical issues within the profession. It is important that students are exposed to the impact of the expanding use of email, social networking and e-discovery. Schools such as Indiana University are leading the way, with innovative legal profession courses that require students to work in teams on realistic problems that apply the rules of professional responsibility in a variety of practice settings.

Many of these new legal profession courses are offered during the first year of law school to allow students to approach upper-division courses and clinics with a better understanding of the underlying structure and responsibilities of law practice.